

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **House Bill 2426**

(BY DELEGATE CAPUTO, LONGSTRETH, PYLES,  
ANGELUCCI, BOGGS, MILLER, FLUHARTY, HARTMAN,  
MILEY AND SWARTZMILLER)

[Introduced January 15, 2019; Referred  
to the Committee on Technology and Infrastructure  
then the Judiciary.]

1 A BILL to amend and reenact §17C-6-3 of the Code of West Virginia, 1931, as amended, relating  
2 to allowing local authorities the authority to lower the speed limit on streets and highways  
3 where school buses travel; and providing that no lowering of a speed limit is effective until  
4 approved by the Commissioner of Highways.

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 6. SPEED RESTRICTIONS.**

### **§17C-6-3. When local authorities may alter speed limits.**

1 (a) *At intersection.* -- Whenever local authorities within their respective jurisdictions  
2 determine upon ~~the basis of~~ an engineering and traffic investigation that the speed permitted  
3 under this chapter at any intersection is greater than is reasonable ~~or safe~~ under the conditions  
4 found to exist at ~~such the~~ intersection, ~~such the~~ local authority subject to subsection ~~(e)~~ (f) of this  
5 section shall determine ~~and declare~~ a reasonable ~~and safe~~ speed limit ~~thereat~~, which shall be  
6 effective at all times or during hours of daylight or darkness or at such other times ~~as may be~~  
7 ~~determined~~ when appropriate speed limit signs ~~giving notice thereof~~ are erected at ~~such the~~  
8 intersection or upon the approaches thereto.

9 (b) *Authority to increase 25-mile limit.* -- Local authorities in their respective jurisdictions  
10 may ~~in their discretion~~, but subject to subsection ~~(e)~~ (f) of this section, authorize by ordinance  
11 higher speeds than those stated in section one of this article upon through highways or upon  
12 highways ~~or portions thereof~~ where there are no intersections or between widely spaced  
13 intersections, which higher speed shall be effective at all times or during hours of daylight or at  
14 such other times as may be determined when appropriate speed limit signs are erected ~~giving~~  
15 ~~notice of the authorized speed~~, but local authorities shall ~~not have authority to~~ may not modify ~~or~~  
16 ~~alter~~ the basic rule set forth in §17C-6-1 (a), of this code, or ~~in any event to~~ authorize by ordinance  
17 a speed in excess of 55 miles per hour.

18 (c) *Authority to decrease 55-mile limit.* -- Whenever local authorities within their respective

19 jurisdictions determine upon ~~the basis of~~ an engineering and traffic investigation that the speed  
20 under this chapter upon open country highway outside a business or residence district is greater  
21 than is reasonable ~~or safe~~ under the conditions found to exist ~~upon such street or highway~~, the  
22 local authority may determine ~~and declare~~ a reasonable ~~and safe~~ limit ~~thereon~~ but in no event  
23 less than 35 miles per hour and subject to subsection ~~(e)~~ (f) of this section, which reduced limit  
24 shall be effective at all times or during hours of darkness or at other times as may be determined  
25 when appropriate speed limit signs giving notice ~~thereof~~ are erected. ~~upon such street or highway~~

26 *(d) Authority to decrease 25 mile limit.* -- A municipality may ~~in its discretion~~, but subject to  
27 subsection ~~(e)~~ (f) of this section, authorize by ordinance lower speeds than those stated in  
28 subdivision (2), subsection (b), section one of this article upon local dedicated rights-of-way in a  
29 residential district or portions thereof, which lower speed shall be effective at all times or during  
30 hours of daylight or at such other times as may be determined when appropriate speed limit signs  
31 are erected. ~~giving notice of the authorized speed~~

32 *(e) Authority to decrease speed limit on streets and highways where school buses travel.*  
33 -- Whenever local authorities within their respective jurisdictions determine upon an engineering  
34 and traffic investigation that the speed under this chapter upon streets and highways where school  
35 buses travel is greater than is reasonable under the conditions found to exist upon the street or  
36 highway, the local authority may determine a reasonable limit subject to subsection (f) of this  
37 section. This reasonable limit shall be effective at all times or during hours of darkness, during  
38 hours of daylight or at other times as may be determined when appropriate speed limit signs  
39 giving notice are erected.

40 ~~(e)~~ (f) Alteration of limits on state highways in municipalities. -- Alteration of limits on state  
41 highways or extensions thereof in a municipality by local authorities ~~shall~~ may not be effective  
42 until ~~such alteration has been~~ approved by the Commissioner of Highways.

NOTE: The purpose of this bill is to give local authorities the authority to decrease the speed limit on streets and highways where school buses travel. The bill provides that no lowering of a speed limit is effective until approved by the Commissioner of Highways.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.